

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

STANLEY HERBERT	:	Case No. C-1-00-855
	:	
Plaintiff,	:	Magistrate Judge Hogan
	:	
v.	:	<u>PLAINTIFF'S RESPONSE TO</u>
	:	<u>DEFENDANTS' RESPONSE TO</u>
MILFORD TOWING & SERVICE, et al.	:	<u>PLAINTIFF'S MOTION IN LIMINE</u>
	:	<u>ON PRIOR CONVICTIONS</u>
Defendants.	:	

Defendants in their opposition (Doc. 60) to plaintiff's motion in limine to exclude prior convictions (Doc. 60) argue that his misdemeanor convictions are relevant to his claim of defamation. Plaintiff has advised defendants that he is dismissing his claim of defamation. Therefore Plaintiff's convictions of misdemeanors are no longer relevant. Even if there is relevance the dangers expressed in Rule 403 substantially outweigh any probative value.

**CONCLUSION**

Defendants should be prohibited from mentioning plaintiff's convictions in voir dire, opening statements or questioning plaintiff about these convictions or introducing exhibits pertaining to this subject.

Respectfully submitted,

s/Robert F. Laufman  
Robert F. Laufman (0019699)  
Jennifer Branch (0038893)  
Trial Attorney for Plaintiff  
Laufman & Gerhardstein  
1409 Enquirer Building  
617 Vine Street  
Cincinnati, Ohio 45202  
(513) 621-9100  
Fax: (513) 345-5543

**CERTIFICATE OF SERVICE**

I hereby certify that on this 21<sup>st</sup> day of October, 2003, a copy of the foregoing Plaintiff's Response to Defendants' Response to Plaintiff's Motion in Limine on Prior Convictions was filed electronically. Notice of this filing will be sent to all parties for whom counsel has entered an appearance by operation of this Court's electronic filing system. Parties may access this filing through the Court's system. I further certify that a copy of the foregoing has been served by ordinary U.S. Mail upon all parties for whom counsel has not yet entered an appearance.

s/Robert F. Laufman  
Robert F. Laufman, #0019699  
Laufman & Gerhardstein  
1409 Enquirer Building  
617 Vine Street  
Cincinnati, Ohio 45202  
(513) 621-9100  
FAX (513) 345-5543